



SUMMARY OF SOUTH CAROLINA'S POLICE BODY CAMERA LAW

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ISSUE

Summary of South Carolina's new police body camera law ([Act No. 71](#)).

SUMMARY

The act requires all law enforcement agencies in South Carolina to use body-worn cameras (body cameras). It requires agencies to create guidelines and operational procedures for body camera use, and it sets standards for who may request and obtain data generated by the cameras. Under the act, data recorded by body cameras is not subject to disclosure under the Freedom of Information Act.

The act establishes a fund to help agencies buy, operate, and maintain necessary body camera equipment. Agencies are not required to implement a body camera program until they receive the necessary funding.

The act took effect on June 10, 2015.

BODY CAMERA LAW

The act requires all state and local law enforcement agencies to implement programs to use body cameras. It gives the Law Enforcement Training Council 180 days to (1) study camera use, implementation procedures, costs, and other related issues in jurisdictions currently using cameras or which begin to use them during the 180-day period and (2) develop guidelines for camera use by law enforcement agencies. The guidelines must address, among other things:

1. which law enforcement officers must wear body cameras and when they must be worn and activated,
2. restrictions on the use of body cameras,
3. the process to obtain victim and witness consent before using body cameras during an interview,

4. the retention and release of data recorded by body cameras, and
5. access to the data recorded by body cameras.

The council must provide its guidelines to law enforcement agencies, which must develop camera policies and procedures based on the guidelines and submit them for council review and approval. If the council disapproves of an agency's policies and procedures, the agency must modify and resubmit them. The legislature may terminate all or part of the guidelines by resolution.

The act gives the council just under one year to submit a report to the legislature on, among other things, (1) recommendations for laws necessary to carry out the program appropriately and efficiently and (2) the fiscal impact of the program.

Body Camera Fund

The act establishes a fund to help implement the body camera program. The money may be used to buy, maintain, and replace cameras and maintain and store recorded data. The Public Safety Coordinating Council must oversee the fund and establish a process for applying for and disbursing the money.

Once the Law Enforcement Training Council approves an agency's body camera procedures, the agency may apply for funding to implement its program.

An agency may use body cameras under its existing policies and procedures and funding while it awaits the Law Enforcement Training Council's guidelines, approval of its policies and procedures, and funding. Such an agency may apply for reimbursement of its costs.

The act stipulates that an agency is not required to implement a body camera program until it receives full funding.

FREEDOM OF INFORMATION

Data recorded by a body camera is not a public record subject to disclosure under the Freedom of Information Act.

The State Law Enforcement Division, the attorney general, and a circuit solicitor may request and must receive data recorded by a body-worn camera for any legitimate criminal justice purpose, and they may release data in their discretion. Also, law enforcement agencies may request and must receive data recorded by a body camera if the recording is relevant to an internal investigation of misconduct or disciplinary action involving a law enforcement officer.

The following are also entitled to request and receive the data under (a) South Carolina Rules of Criminal Procedure or Civil Procedure or (b) a court order:

1. the subject of the recording;
2. a criminal defendant if the recording is relevant to a pending criminal action;
3. a civil litigant if the recording is relevant to a pending civil action;
4. a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related;
5. a parent or legal guardian of a minor or incapacitated person who is (a) the subject of a recording or (b) a criminal defendant; and
6. an attorney for any of the above.

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